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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED  
2008 FEB 14 AM 9:34

CLERK U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 04 27

KHH DEPUTY

UNITED STATES OF AMERICA, )

Plaintiff, )

v. )

Jorge GUARDADO (D1) )

and )

Cristine KISSINGER (D2) )

Defendants. )

Magistrate Case No. \_\_\_\_\_

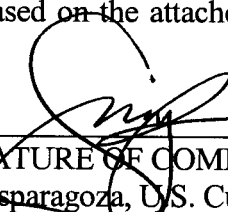
COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section  
1324(a)(2)(B)(iii)-  
Bringing in Illegal Alien(s)  
Without Presentation

The undersigned complainant being duly sworn states:

On or about **February 12, 2008**, within the Southern District of California, defendant **Jorge GUARDADO (D1)** and **Cristine KISSINGER (D2)**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely **Mario MAGANDA-Salas**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
Sara Esparagoza, U.S. Customs and  
Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **14TH** DAY OF  
**FEBRUARY**, 2008.

  
UNITED STATES MAGISTRATE JUDGE

Scf

**PROBABLE CAUSE STATEMENT**

The complainant states that **Mario MAGANDA-Salas** is a citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material, that it is impracticable to secure his attendance at trial by subpoena; and he is a material witness in relation to this criminal charge and should be held or admitted to bail as prescribed in Title 18, United States Code, Section 3144.

On February 12, 2008 at about 1969 hours, **Jorge GUARDADO (D1)**, applied for entry into the United States from Mexico as the driver of a maroon 1994 GMC Sierra 1500 truck through the Otay Mesa Port of Entry. D1 was accompanied by **Cristine KISSINGER (D2)**, who was the front seat passenger. D1 and D2 were the only two visible occupants of the vehicle. D1 gave a negative Customs declaration to a Customs and Border Protection (CBP) Officer. D1 stated he was going home to Imperial Beach, California. D1 claimed ownership of the vehicle and stated he had just bought it. The CBP Officer conducted a cursory inspection of the vehicle and discovered what appeared to be a person's leg wearing white socks behind the rear bench seat. The vehicle and its occupants were subsequently escorted to secondary.

In secondary, CBP officers pulled the rear bench seat forward and were able to see a person concealed in a non-factory compartment behind the rear seat. The CBP Officers attempted to remove the rear bench seat but noticed a latch securing the rear bench seat to the cabin wall. After several attempts to release the rear seat from the cabin wall, the CBP Officers were able to break the latch off and discovered one male concealed behind the seat. The male was determined to be a citizen of Mexico without legal documents to enter the United States and is now identified as **Mario MAGANDA-Salas (Material Witness)**.

During a videotaped proceeding, D1 was advised of his Miranda Rights. D1 acknowledged his rights and elected to answer questions without an attorney present. D1 admitted a man known to him as "Christopher" offered him the opportunity to make money by smuggling undocumented aliens into the United States. D1 admitted he was to receive \$600.00 (USD) for the smuggling act. D1 admitted agreeing to smuggle one undocumented alien. D1 admitted Christopher showed him the empty compartment and method of concealment hours before he drove the vehicle into the United States. D1 stated D2 was present when he agreed to the smuggling act. D1 admitted he was to drive the vehicle to a gas station off 30<sup>th</sup> Street and Market Street in San Diego, California. D1 admitted he and D2 were to get a ride back to San Ysidro, enter Mexico and then receive payment for the smuggling act.

During a videotaped interview, Material Witness admitted he is a citizen of Mexico without entitlements to enter or reside in the United States. Material Witness stated he was going to Los Angeles, California to seek employment. Material Witness stated he made the smuggling arrangements with an unknown man and was to pay \$200.00 (USD) to be smuggled into the United States and an additional unknown amount once he arrived to Los Angeles and obtained employment.